

"I KNOW I'M IN A HOLE," SAID FLORENCE BURNS. Springtime

Detective-Sergeant Parker Tells of Her Arrest and Swears Her Hair Was Lighter Then Than It Is Now, Indicating That She Uses Peroxide.

(Continued from First Page.)

Detective Reardon told about finding them in a waste basket in Brooks's office.

Julia McCarthy, a colored maid in Mrs. Hitchcock's boarding-house at No. 216 West Forty-fourth street, identified the comb which figures in the case as belonging to Florence Burns. During this girl's testimony the defendant was disturbed for the first time since her arrest.

At the morning session Walter Brooks's father told of hearing Florence demand that his son marry her. Because of this he ordered her from his home. He identified the "deplaided comb" as one he had picked up in the room where his son was shot. Several witnesses have already said this comb belonged to Florence Burns.

When Mr. Brooks started to tell of the finding of his son's body he broke down.

Detective-Sergeant Parker told of Florence Burns's arrest. The girl said to him: "I'm suspected, and I know I'm in a hole."

On cross-examination he said the girl's hair differed in color now from the day she was arrested. This would indicate that she used peroxide.

COLORED MAID IDENTIFIES COMB OF FLORENCE BURNS.

There was a big rush of spectators to the hearing this afternoon. The crowd, which had discovered where the hearing was progressing, made such a determined effort to get in that there was really a small riot in the lobby. A mass of men and women were jammed in front of the door at the court-room, and those from behind pushing, they all began to shove ahead.

Roundsmen Targart, who is nearly seven feet tall and who weighs over 300 pounds, tried to hold them back. He couldn't. Two other policemen ran to his assistance. They yelled at the crowd to get back. The crowd would not. They tried to close the doors. The mob became frenzied. They battered away and a dozen or more succeeded in getting in before three policemen had the hallway clear.

Detective Reardon was the first witness called at the afternoon session. He was shown the two combs which Florence Burns handed him in the station-house.

"Do you identify these combs?" "Yes, Miss Burns took them from the side of her head and handed them to me."

Mr. Schurman had the combs marked for identification. He then showed the witness two papers which the witness said he found in a waste paper basket in the office of Brooks & Wells on the afternoon following the fatal Friday night.

Notes That Florence Wrote.
The papers handed to the witness bear handwriting in lead pencil and are the notes which Florence Burns wrote on the occasion of her visit Friday afternoon at the office of young Brooks. Finding him absent she wrote the notes, leaving them in care of the office boy, "Joe," to be handed to Brooks on his return to the office. The notes were written on Brooks's office paper.

One was read as follows:
WALTER DEAR:
I'm going to Detroit to-night and would like to see you before I go. Will be in again about 11:30 A. M. and hope to see you.
FLORENCE.

On cross-examination by Mr. Backus, Reardon said he had found other writings said to be pertinent to the case, and that they were in possession of the District-Attorney. Many of the letters were torn in scraps when he found them, he said, and he had started to paste them together, but never finished the job.

Mr. Backus questioned the witness closely on the circumstances attending the arrest of Florence Burns and his failure to tell her that Brooks was dead and that she was wanted for murder.

"I had no knowledge other than what I obtained from reports that Walter Brooks had died while I was on my way to the Burns house after Brooks's removal to the hospital," explained the witness.

"Where did you get the information that Brooks was dead?"
"In the hotel."

"Before you took Washington to the station-house?"
"Yes."

"Whereabouts in the hotel?"
"At the desk."

"Had you had any interview with Washington before you got this information?"
"No, I think not."

"What time of day did you first see Florence in the station-house?"
"At 2:40 o'clock P. M."

"How long after you first met her in the station-house was it before Washington was brought in?"
"Five or six minutes."

"What time was that the money and in his pocket was first called to your attention?"
"It was called to my attention by the defendant."

"At what time did she mention it?"
"At 2:45 or 3 o'clock in the afternoon."

"Did you hear Washington say the first time he was brought into the room that is the lady I took the lemon soda to in room 12?"
"I cannot say whether he said that word or words."

"Did you hear him say that in substance?"
"I can't recall that I heard him say room 12."

"How long after that did Florence Burns say something about money?"
"About ten minutes. It was after Washington had been in the room the second time and had left the room."

"Any top on any of them?"
"On all but one." He showed to her the comb alleged to have been found in the hotel.

"Did it suggest the comb?"
"And this is the comb you found under the bureau?"

"Yes, sir." "Were the teeth broken as they are now?"

"No, sir." The girl described where the teeth had been broken. The other two combs were shown to her and she identified them but not the other. These were the combs taken from Florence after her arrest.

"Did you sweep all the rooms the day you swept Florence's room?"
"No, only four rooms, all on that floor."

"Did you find the comb a week before she left?"
"Yes."

"Did it have any teeth broken?"
"Any broken clear up to the back?"
"I don't remember."

"How can you identify the comb?"
"How she identified it."

"It was broken off like this one," the witness removing a comb from her hair, to remember the piece was broken off near the top and there were other marks which I remember."

Mr. Backus then took the witness in hand. He inquired how the witness came to talk to the District-Attorney about the case.

"That man brought me to the District-Attorney," she said, "indicating a large colored man in the front seat."

"What is your name?" (To the colored man.)
"Mr. Paul."

"Yes, that is the man," the witness said, "that brought me to the District-Attorney."

"Did he simply called, and I talked about the comb, and he said it was important?"

"How many rooms had you charge of?"
"Fourteen."

"Sweep and clean all?"
"Yes."

As the McCarthy girl went on testifying the color in Miss Burns's cheeks became more vivid. All during the morning she had been as white as a sheet, but now as she listened to this colored maid there seemed to come to her a realization of the importance of the testimony. It might mean her life or her liberty and the blood went dancing into her face.

Finally, she asked her to describe the change from prison pallor to the flush of health improved her personal appearance more than gowns of jewels and some measure of her youthful beauty when free and unsuspected of wrong she went her way with her lover, could be obtained by those who only see her since her plunge in sorrow and disgrace.

"How many teeth were broken out of the comb?"
"I can't tell."

The lawyer attempted to confuse the witness by asking her to describe the manner in which the comb first shown her was broken.

"She asked me to pick it up. It is one that Mr. Schurman showed me."

"Did the comb you saw in Florence's room any teeth broken off all the way up?"
"No."

"I don't know." "Did you see any marks on it?"
"I don't know."

"What did you do with it when you found it?"
"I put it on the mantel piece."

"Did you handle it after that?"
"Yes."

"Did you examine to see if there was broken teeth?"
"No."

Mr. Schurman then asked these questions: "Were you asked to identify this comb before you were shown it?"

"Yes, sir." "That is the comb you saw in Florence's room?"
"Yes, sir."

"Is it important to you, I am inclined to believe that certain conversations between the defendant and certain officers in the station-house are not admissible by law. I desire to hear argument, however, on this point."



FLORENCE BURNS ENTERING THE COURT-ROOM.

vision in the law which requires that a police official shall take a prisoner immediately after arrest before the nearest city magistrate when one is sitting. He called attention to this not to reflect upon the officers who arrested Miss Burns, because at the time of her arrest there was no magistrate sitting, but because it showed the purpose of the law was to safeguard defendants against confessions when they did not fully realize or appreciate what they were doing.

As a further indication of his attitude the Justice read from that section of the code of criminal procedure which requires Magistrates before proceeding with a case to inform the prisoner of the crime with which he or she is charged and that section which requires a police officer to convey a message from a prisoner to counsel on demand.

Justice Mayer said he desired the attorneys to submit arguments on these points next Saturday in order that he might determine whether or not to exclude from the evidence the conversations with the defendant at the Burns home, and in the police station.

He said, however, that he was in no way basing on the evidence in this case being merely desirous of elucidation of the law.

An adjournment was then taken until next Saturday.

BROOKS'S FATHER IDENTIFIES COMB.

Thomas W. Brooks, father of Walter Brooks, was the first witness against Florence Burns at the fourth day's hearing to-day before Judge Mayer.

He testified that his son was twenty years old at the time of his death. He said that on Dec. 8 his son and Florence Burns were in their parlor at his home.

Girl Demanded Marriage.
"My wife and I were in the dining-room below," he said, "Miss Burns said to Walter: 'What do you intend to do?' It is time we came to an understanding. You ought to marry me."

"Walter said: 'Where are we going to live—in the street? The best thing you can do is to get work of some kind. I'll help you all I can.'"

"I heard her stamp her foot on the floor and say: 'I'll do nothing of the kind.'"

Mr. Brooks said that he went upstairs and asked the girl why she was so persistent in following Walter.

Brooks Turned Her Out.
"I told her," he said, "that the best thing for her to do was to go back to her parents; that we did not want her around the house. She answered that she would do nothing of the kind; that she and Walter were going to get married."

"Stop trying to force my son to marry you," I said. "Your place is at home."

"Did you talk to her on Wednesday?"

"Yes, I said to her: 'Miss Burns, I've an unpleasant duty to perform. I have asked your parents to take you home. You have been around here long enough. I told them that if they didn't take you away by Wednesday I would have to refuse you shelter. Understand, this is your last day at my house.'"

"When I returned that night the girl had gone."

Father Breaks Down.
The witness then related his visit to the Glen Island Hotel when he saw his son lying unconscious in bed. That was

on the morning of Feb. 15. His voice sank to a whisper. He struggled hard to choke down his emotion.

"I saw my son lying unconscious and—"

He could go no further. His eyes filled with tears; tears rolled from his eyes and his frame quivered with emotion. He recovered in a few moments, however, cleared his throat and resumed.

"You identified the body for the doctors?"
"Yes, sir."

"Did you take any property from the hotel?"
"Yes, sir, a comb."

"Was this the one?"
"Yes, sir."

Mr. Schurman showed him the people's exhibit, the so-called dilapidated comb.

"Yes, sir, that is the comb," he said, "which you found it?"

"On the bureau near the bed?"
"What did you do with it?"

"I put it in my pocket and it remained there until I gave it to Officer McGovern at my home."

Identified Son's Watch.
McGovern stood up and was identified.

"Did the hotel clerk give you any money?"
"Yes, sir, a \$20 bill, two \$5 bills and two \$1 bills."

"Did he give you a watch?"
"Yes, sir."

Mr. Schurman produced the watch, which the father identified.

"Where was your son on Feb. 13?"
"He came home to dinner and remained around the house, going to bed about 9 o'clock."

"Where was he on the night before?"
"He was at home and went to bed early. On that day he remained home until about 2 P. M., when he went to Prospect Park. I don't know whether he took his skates or not. On the Monday evening he was also at home, and on the Sunday night before that he came home early."

Mr. Backus then cross-examined Mr. Brooks.

"Did you ever see Walter and Miss Burns at church?"
"No, sir."

"Did you ever see them start for church?"
"Yes, sir."

"When?"
"In the month of November."

"Have you given all the conversations that you had with Florence on the subject of her marriage with your son?"
"No, sir."

"Did you ever see Mr. and Mrs. Burns at your house?"
"No."

"Did you ever converse with Florence when your son was in bed?"
"No, sir."

"Had other objections."

"Did you say once after Walter had talked with you that you had been objection to the marriage?"
"No, sir."

"Did you ever say that your only objection was that Walter was too young?"
"Never."

"When you were in her sick room was Walter ever there?"
"Sometimes."

"Had Walter ever said anything about having been in the Rev. Mr. Robbins' residence?"
"Not in the defendant's presence."

"You were in the dining room Dec. 8 about 9 A. M. with your wife?"
"I was."

"And you have stated all the conversations you had with Florence after you went upstairs?"
"I have."

Visited Her Parents.
"You had already been to Mr. Burns's house?"

"I had."

"You told her the next Wednesday that you went to her father's house on Sunday, and yet you did not tell her of this visit that evening?"
"I did not."

"Did you make any statement to any one Saturday morning before you went to the Glen Island Hotel?"
"At this point Mr. Jerome objected, and the witness was not required to answer."

"Did you afterward?"
"No; I made some explanation to reporters, but gave no statement."

"When you entered room 12 in the hotel, straight ahead was the front of the bed?"
"Yes, sir."

Finding of the Comb.
"The place where you saw the comb was to your left?"

"Yes, on the other side of the bed."
"Was the bureau there?"

"What did you do with it?"
"I put it in my pocket and it remained there until I gave it to Officer McGovern at my home."

"He was?"
"No, there was another man, a porter I think."

"Was he colored?"
"White."

"What time did you take the comb?"
"Just after the ambulance was summoned."

"Did you and Dr. Sweeney talk about the comb?"
"No."

Hadn't Seen Comb Before.
"Did you see Florence Burns's comb while she was in your house?"
"No."

"In your direct examination you stated that to the best of your knowledge and belief the comb shown you was the one you took from the room."

"I'll swear that this is the comb."

"I was in court when that comb was produced?"
"I was."

"I had a tag on it, didn't I?"
"I think so."

"And didn't it have a tag on it in the District-Attorney's office?"
"I think so."

Mr. Brooks then left the witness stand and walked very slowly to a seat within the inclosure reserved for the District-Attorney.

Comb Admitted as Evidence.
Policeman McGovern identified the comb which Mr. Brooks gave him. He had marked it with private marks on both ends. He showed the marks he had made.

Policeman Parker was then called to the witness chair, and Mr. Schurman then offered in evidence the so-called dilapidated comb, with the two teeth which had been broken off since taken from the hotel.

Mr. Backus objected to its admission, on the ground that it was not proved to be the defendant's comb.

Justice Mayer said that the question must be considered later, and he admitted the comb in evidence.

Arrest of Burns Girl.
Parker, who is a detective-sergeant, testified to having visited the Glen Island Hotel with Detective Sergeant Colby on the morning of the murder. He found Florence Hagwood there. The neighbors were off the bed. He found nothing in the room of interest. Then he went to the hospital and from there to No. 17 Jay street, where he saw Mr. Brooks, Harry Cohen and Mr. Weiss, the dead boy's father.

He and Detective Colby then went to the Burns home in Flatbush. He rang the bell. Gladys Burns opened the door and took them to the parlor, where they saw Mrs. Burns. She brought Florence into the parlor, following close behind the girl. Parker then testified:

"I know I'm in a hole."

"Do you know Walter Brooks?"

asked her. "Yes," she said.

"When did you see him?" "Last night at his office at 6:30 o'clock."

"What time did you get home?"
"About 7 or a little after."

"Did you have lunch?" "No."

"Did you know Walter was shot?"
"No, did they find the pistol?"

"Then she said: 'Well, I'm suspected and I know I'm in a hole.'"

"I asked her how she got in. She said: 'With a key.' I asked her if she went out after she came in. She told me no."

"On the way to New York I took out my watch and she looked at it and said: 'That ain't the one.'"

"I asked her to go to New York, what happened?"
"We took Florence to the station-house and into the Captain's room, where I provided a chair for her."

"Did you return a second time to the Burns house that day?"
"Yes, we went again, returning to the station-house at 6 P. M."

The incident of securing Florence Burns's comb took place at the station-house and followed her refusal, after her lawyer's visit, to answer any questions put to her by detectives.

Hair Light at First.
"Did Florence Burns have combs in her hair when you first saw her?"

"How was she dressed?"
"In a dark skirt and a mauve sack."

"All the women in court laughed at this answer."

"What was the color of her hair?"
"Light."

"When you first saw her?"
"Yes."

"Did you tell Florence Burns that you were a policeman?"
"No."

"Did you tell her that she was under arrest?"
"Yes, I told her I was going to take her to New York."

"Did you tell her what for?"
"I didn't tell her what for."

Wouldn't Answer Questions.
"Did you go to the cell where Florence Burns was?"
"Yes, Mr. Backus, Mr. Burns and I and Sergeant Colby went to the cell. She said: 'I refuse to answer any questions. That was after she had talked with her father and lawyer Brooks.'"

"Did you see the defendant hand two combs to Detective Reardon at the station-house?"
"Yes, she gave him two combs, which she had been wearing on the side of her head."

The witness, amid objections by Mr. Backus, was shown the comb, which he identified.

"Did Miss Burns voluntarily give Reardon the combs?"
"Yes, she gave them voluntarily."

"Did you tell Florence Burns that you were going to take her to the Hudson Street Hospital?"
"No, sir, I did not."

Parker Gets Indignant.
"Did you tell her that Walter Brooks had made a statement implicating her?"

The witness showed great indignation as he replied:

"You didn't take her to the Hudson Street Hospital?"

"You took her to the station-house, didn't you?"

"Was her father there?"

"Detective Reardon, Dr. Sweeney, Mr. Krotel, Capt. Halpin and myself. I was going out as Mr. Burns came in. I asked him what he wanted, he said: 'I want to see my daughter and caution her to say nothing.' I answered that we had already cautioned her as to her right."

"Did you hear Mr. Krotel tell this girl not to say anything?"
"I did not."

"Did you hear Capt. Halpin tell her?"
"No."

Says Her First Question, When He Told Her Walter Brooks Was Shot, Was as to Whether the Revolver Was Found.

"Did you hear anybody tell her?"
"No, sir."

"Did you tell Mr. Burns that Mr. Krotel and myself warned the girl not to say a word?"
"Yes, sir, we misunderstood my answer."

Police Term Explained.
"Now, went on Mr. Backus, you refused to allow Mr. Burns to be in the room, did you not?"

"Yes, sir, the girl was charged with the murder and no one could see her at that time until she was turned over to the police."

"A burst of laughter went up from those in the courtroom and the smile flitted across the defendant's face."

Justice Mayer threatened to clear the courtroom and order the witnesses out. When Mrs. Burns's counsel and the father and Mr. Reardon and Capt. Halpin went downstairs at the station-house.

"It was after we got downstairs that I heard the conversation."

"You followed the counsel and her father downstairs?"
"Yes, I overheard part of the conversation."

"Where did you go after Mr. Burns had introduced me to his daughter as her lawyer?"

Does She Use Peroxide?
"I stood in the hallway and followed him when he went upstairs."

"Had Florence Burns the same complexion, hair and eyes at the time you saw her at her house as she has now?"

"Her hair is a little darker."

Justice Mayer said: "What is the color?"

"Well, it was darker when I first saw her."

"That is," said Mr. Backus, "it is lighter now than on Feb. 15?"

"Yes, sir; that is it," replied the witness.

Wife would seem to indicate that Miss Burns is using peroxide of hydrogen.

Girl's Letters Seized.
"You searched the Burns house, did you not?"

"Yes, I found letters, and even jackets and soiled linen on the dining-room floor."

"What did you take from the house?"
"Letters."

"Where are they?"
"The District-Attorney has them."